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7 *Attorneys for Defendant International Business Machines Corporation*

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 SOFTVAULT SYSTEMS, INC.,

12 Plaintiff,

13 vs.

14 INTERNATIONAL BUSINESS MACHINES
15 CORPORATION,

16 Defendant.

CASE NO. 5:12-cv-05546-LHK

**STIPULATED MOTION TO MODIFY
SCHEDULE, ~~PROPOSED~~ ORDER, AND
DECLARATION OF COUNSEL**

17
18 **STIPULATED MOTION**

19 On February 4, 2013, the Court entered its “Minute Order and Case Management Order”
20 (“Scheduling Order,” ECF No. 23) in the above-captioned action (“Action”) and in two
21 companion actions: *SoftVault Systems, Inc. v. Research in Motion*, Case No. 12-CV-5544 LHK
22 (“RIM Action”) and *SoftVault Systems, Inc. v. Novell, Inc.*, Case No. 12-CV-5541 LHK (“Novell
23 Action”). The RIM Action has since settled and been dismissed.

24 On March 22, 2013 the Court granted a stipulated motion to modify the scheduling order
25 in the companion Novell Action. This Action and the Novell Action involve the same Patents-in-
26 Suit. In an effort to foster efficiency, International Business Machines Corporation (“IBM”) and
27 SoftVault Systems Inc. (“SoftVault”) have agreed to request that the Court continue certain
28

deadlines imposed by the Scheduling Order to match the modified scheduling order in the companion Novell Action.

Specifically, IBM and SoftVault move the Court to modify the Scheduling Order as set forth in the following table:

Event	Scheduling Order	Purposed Schedule
Last day to amend pleadings	April 18, 2013	May 30, 2013
Invalidity contentions and accompanying document production (Patent L.R. 3-3, 3-4)	April 18, 2013	May 30, 2013
Exchange of proposed terms for construction (Patent L.R. 4-1)	May 2, 2013	June 6, 2013
Exchange of preliminary claim constructions and extrinsic evidence (Patent L.R. 4-2)	May 23, 2013	June 20, 2013
Joint claim construction and prehearing statement (Patent L.R. 4-3)	June 20, 2013	July 3, 2013
Completion of claim construction discovery (Patent L.R. 4-4)	July 11, 2013	July 18, 2013
Opening claim construction brief (Patent L.R. 4-5(a))	July 25, 2013	No Change
Opposing claim construction brief (Patent L.R. 4-5(b))	August 15, 2013	No Change
Reply claim construction brief (Patent L.R. 4-5(c))	August 23, 2013	No Change
Technology tutorial	September 12, 2013	No Change
Claim construction hearing (Patent L.R. 4-6)	September 19, 2013	No Change

The proposed modifications do not affect the technology tutorial and claim construction hearing dates or reduce the time available to the Court to review materials between the conclusion of claim construction briefing and the claim construction hearing.

Accordingly, IBM and SoftVault, by and through their respective undersigned counsel, respectfully request that the Court enter an order modifying the schedule as set forth above. Undersigned counsel for IBM attests that he has obtained the concurrence of below identified counsel for SoftVault in the filing of this document.

1
2 DATED: March 28, 2013

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

3
4 By /s/ Michael D. Powell

5 Michael D. Powell, Esq.

6 Attorneys for Defendant International Business
Machines Corporation

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8 DATED: March 28, 2013

FRIEDMAN, SUDER & COOKE

9
10 By /s/ Corby R. Vowell

11 Corby R. Vowell, Esq.

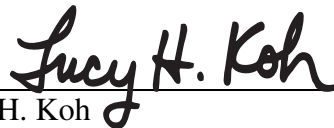
12 Attorneys for Plaintiff SoftVault Systems, Inc.

13 ~~{Proposed}~~ ORDER

14 PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED.

15
16 DATED: April 1, 2013

17
18 By



Lucy H. Koh

19 UNITED STATES DISTRICT JUDGE

Local Rule 6-2(a) Declaration

Pursuant to Local Rule 6-2(a), IBM's undersigned counsel declares, under penalties of perjury under the laws of the United States of America (and using terms as defined in the foregoing "Stipulated Motion to Modify Schedule"), that:

1. The reasons for seeking the continuances requested by the Stipulated Motion to Modify Schedule are twofold. First, because both the Action and the Novell Action involve the same Patents-In-Suit, judicial economy would be served by matching the schedules in the companion cases. The Court has already granted a motion to modify the schedule in the Novell Action. Approving the modifications requested in this Stipulated Motion to Modify Schedule would bring the two schedules into alignment. Second, approving the modifications requested in this Stipulated Motion to Modify Schedule will allow SoftVault and IBM to continue to discuss settlement options and may increase the likelihood the dispute may be resolved before substantive engagement of the issues through the Court.
2. IBM and SoftVault twice stipulated to extend the time for IBM to reply or otherwise respond to SoftVault's complaint: on November 26, 2012 and December 17, 2013. There have been no other schedule modifications in the Action.
3. The modifications requested by the Motion to Modify Schedule will not affect the schedule for the Action other than as set forth in the Motion to Modify Schedule. Specifically, although the deadline to amend pleadings would be continued, as would various deadlines falling before opposition claim construction briefs under Patent Local Rules 4-5(b) and 4-5(c), those continuances would not affect subsequent events.

/s/ Michael D. Powell

Michael D. Powell